

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

AARON RUBENSTEIN,

Plaintiff,

V.

**RICHARD N. AZAR, II; RAD2
MANAGEMENT, LLC; RAD2
MINERALS, LTD.; SEGUNDO
RESOURCES, LLC; CAMBER
ENERGY, INC. f/k/a Lucas Energy, Inc.,**

Defendants.

CIVIL ACTION NO. SA-17-CA-962-FB

SCHEDULING ORDER

NOTE: It is this Court's usual practice to set an initial pretrial status conference in each case at the time the Scheduling Order is entered. However, due to this Court's current trial docket, no conference will be set at this time. The case may be set for an initial pretrial status conference at a later date if and when the Court becomes available.

Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the lawsuit. Because of the crowded condition of the criminal docket in this District and the difficulty in reaching civil cases for trial, you may wish to consent to the trial of your case by a United States Magistrate Judge. If you wish to consent to a trial before a United States Magistrate Judge, your decision should be communicated to the United States District Clerk's Office, and you may indicate your consent on the attached form or request a form through the Clerk's Office. Your consent to trial by a United States Magistrate Judge must be voluntary and you are free to withhold your consent without suffering any adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, this Court will enter an order referring the case to a United States Magistrate Judge for trial and entry of Judgment. If the case has already been assigned and/or referred to a United States Magistrate Judge for pretrial matters and the parties consent to Magistrate Judge trial, the trial will be before the United States Magistrate Judge already assigned to the case.

The following dates are entered to control the course of this case:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed by **April 2, 2018**.

2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **February 20, 2018**, and each opposing party shall respond, in writing, by **March 6, 2018**.

3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **March 22, 2018**.

4. All parties asserting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **March 1, 2018**. Parties resisting claims for relief shall file their designation of testifying experts and shall serve on all parties, but not file the materials required by FED. R. CIV. P. 26(a)(2)(B) by **April 13, 2018**. All designations of rebuttal experts shall be designated within **15** days of receipt of the report of the opposing expert.

5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, **within 30 days** of receipt of the written report of the expert's proposed testimony, or **within 30 days** of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before **June 15, 2018**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than **July 13, 2018**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to **20** pages in length. Any replies shall be limited to **5** pages in length.

8. The trial date will be determined at a later date by the Court. The parties shall consult Local Rule CV-16(e) regarding matters to be filed in advance of trial. At the time the trial date is set, the Court will also set the deadline for the filing of matters in advance of trial.

It is so ORDERED.

SIGNED this 12th day of February, 2018.



FRED BIERY
UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

vs.

)
)
)
)
)
)
)
)
)
)

CIVIL ACTION NO. SA- CA-

ADVISORY TO THE CLERK BY PLAINTIFF(S)

In accordance with the Court's previous order requiring the submission of a notice regarding the election of proceeding before a United States Magistrate Judge;

Please be advised that the below named plaintiff(s) elect(s) **NOT** to conduct the trial in this case before a United States Magistrate Judge:

Print Name:

Signature of plaintiff(s):

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

vs.

)
)
)
)
) **CIVIL ACTION NO. SA- CA-**
)
)
)
)

**CONSENT OF DEFENDANT(S) TO PROCEED
BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c) the defendant(s) to the above-captioned civil matter hereby waive the right to proceed before a Judge of the United States District Court and consent(s) to have a United States Magistrate Judge conduct any and all proceedings in the case, including the trial, and order the entry of Judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Print name, sign and date:

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

vs.

)
)
)
)
) **CIVIL ACTION NO. SA- CA-**
)
)
)
)

**CONSENT OF PLAINTIFF(S) TO PROCEED
BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. § 636(c), the plaintiff(s) to the above-captioned civil matter hereby waive the right to proceed before a Judge of the United States District Court and consent(s) to have a United States Magistrate Judge conduct any and all proceedings in the case, including the trial, and order the entry of Judgment. Any appeal shall be taken to the United States Court of Appeals for this judicial circuit, in accordance with 28 U.S.C. § 636(c)(3).

Print name, sign and date:
